EXPLANATORY MEMORANDUM

Minute No. 252 of 2022 – Attorney-General, Cabinet Secretary

Subject - *Ombudsman Act 1976*

Commonwealth Ombudsman – Appointment 2022

The proposed instrument would appoint Iain Anderson as the Commonwealth Ombudsman for a period of five years beginning on 1 August 2022.

The *Ombudsman Act 1976* (the Act) provides for the appointment of a Commonwealth Ombudsman and defines their functions and powers. The function of the Commonwealth Ombudsman is to investigate the administrative action taken by Australian Government agencies. The Commonwealth Ombudsman can investigate such actions on the basis of a complaint made by a member of the public or on his or her own motion.

Subsection 4(1) of the Act provides that for the purposes of the Act there shall be a Commonwealth Ombudsman and at least one, and not more than three, Deputy Commonwealth Ombudsmen.

Subsection 21(1) of the Act provides that an Ombudsman shall be appointed by the Governor-General. Section 22 of the Act provides that an Ombudsman holds office for such period, not exceeding seven years, as is specified in the instrument of appointment, but is eligible for re-appointment.

The Minute recommends the appointment of Mr Iain Anderson as Commonwealth Ombudsman for a period of five years commencing on 1 August 2022. Mr Anderson would fill the vacancy that resulted from the resignation of Mr Michael Manthorpe PSM in 2021. The Deputy Commonwealth Ombudsman, Ms Penny McKay, has been acting as Commonwealth Ombudsman since Mr Manthorpe's retirement.

Mr Anderson is considered highly suitable for the position of Commonwealth Ombudsman on the basis of his knowledge and extensive leadership experience.

Mr Anderson is a highly experienced public servant with 31 years in the Australian Public Service, including 24 years in Senior Executive Service positions. Mr Anderson's experience extends across a variety of Commonwealth departments and agencies and across a wide range of legal and social policy areas. Throughout his career, Mr Anderson has displayed a high level of integrity and resilience and has demonstrated that he is capable of exercising the necessary independence required of the Ombudsman.

The Act specifies no conditions that need to be satisfied before the power to make the proposed appointment may be exercised.

Mr Anderson's curriculum vitae is attached.

The Minute recommends that the appointment be made in the form proposed.

Authority: Subsection 21(1) of the *Ombudsman Act 1976*